



01-22-03

RCE 1600 #

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/058,695
Filing Date	January 28, 2001
First Named Inventor	Danishefsky, et al.
Group Art Unit	1626
Examiner Name	T. Solola
Attorney Docket Number	2003080-0089

#11
2/11/01

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

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1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
 - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. ☐ Other _____
- b. ☒ Enclosed
 - i. ☒ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☒ Information Disclosure Statement (IDS)
 - iv. ☒ Other Interview Summary

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2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03/1721
 - i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. ☐ Other _____
 - b. ☒ Check in the amount of \$ 375.00 enclosed
 - c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	C. Hunter Baker, M.D., Ph.D.	Registration No. (Attorney/Agent)	46,533
Signature	<i>C. Hunter Baker</i>	Date	January 21, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: Via Express Mail No.: EL 882989679US

Name (Print/Type)	Linda M. Amato	Date	
Signature	<i>Linda M. Amato</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



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ATTORNEY'S DOCKET NUMBER: 2003080-0089 (SK-744-CON5)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Danishefsky *et al.* Examiner: T. Solola
Serial No.: 10/058,695 Group Art Unit: 1626
Filed: January 28, 2002
For: *Synthesis of Epothilones, Intermediates Thereto, Analogues and Uses Thereof*

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

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Sir:

AMENDMENT AND RESPONSE

In response to the Official Action mailed October 22, 2002, Applicant respectfully requests consideration of the following amendments and remarks in conjunction with the Request for Continued Examination filed herewith. The deadline for responding to the Office Action without fees is January 22, 2003; thus, this Response and RCE filing submitted on January 21, 2003 is timely.

REMARKS

Claims 59, 61-64, 66-80, 82-87, and 89-122 are pending in the above-referenced application. The Examiner has rejected claims 75-79, 85-87, 89-95, 115-116, and 121-122 under 35 U.S.C. § 112 for lack of enablement and has rejected claims 59, 61-64, 66-80, 82-87, and 89-122 under 35 U.S.C. § 103(a) and has provisionally rejected claims 59, 61-64, 66-80, 82-87, and 89-95 under 35 U.S.C. § 101 as claiming the same invention. With this response Applicant has amended claims 59, 64, 87, 100-102, 112, and 117 and has canceled claims 61-63, 69-80, 82-86, 89-99, 103-111, 113-116, and 118-122. Applicant respectfully submits that no new matter is presented with these amendments. Applicant respectfully requests consideration of the amendments and arguments presented herein, and respectfully submits that the amended claims are in condition for allowance.